



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: CooperVision, Inc.--Reconsideration
File: B-231698.2
Date: August 26, 1988

DIGEST

Protester's explanation that its inability to timely file comments to agency report was due to complexity of protest issues does not provide basis to reopen case dismissed for failure to timely file comments. The protester in such a case was required by Bid Protest Regulations to timely advise of its continued interest in the protest and request extension of time to submit comments.

DECISION

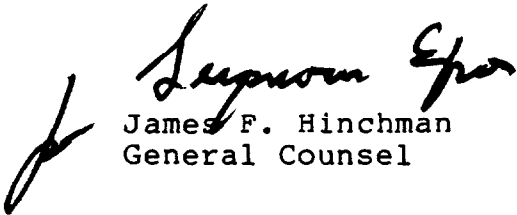
CooperVision, Inc. requests reconsideration of our dismissal of its protest under request for proposals (RFP) No. 589-34-88, issued by the Veterans Administration. We dismissed the protest because CooperVision failed to timely file its comments on the agency report. CooperVision, in its request for reconsideration, does not deny that its comments were filed late, but explains that the protest issues were complex and that the protester needed more time to prepare its comments.

CooperVision's explanation provides no basis to reopen the file. The filing deadlines in our regulations are prescribed under the authority of the Competition in Contracting Act of 1984 (CICA). Their purpose is to enable us to comply with the statute's mandate that we resolve bid protests expeditiously. 31 U.S.C. § 3554 (Supp. IV 1986); U.S. Shutter Co.--Reconsideration, B-219952.2, Jan 15, 1986, 86-1 CPD ¶ 42. The regulations provide that the protester must file comments, file a statement requesting that the protest be decided on the existing record, or request an extension of the period for submitting comments within 10 working days of receipt of the agency's report on the protest. 4 C.F.R. § 21.3(k). The regulation further provides for our Office's dismissal of the protest without action if we do not timely hear from the protester.

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Since our published regulations and our written notice to CooperVision acknowledging its protest expressly put the protester on notice of the regulations' requirement for the protester's filing in response to the agency report, it was incumbent upon the protester to exercise the degree of diligence necessary to comply with that requirement. Comanche Natural Gas Co., Inc., B-224314.2, Nov. 25, 1986, 86-2 CPD ¶ 610; Ariston Prepared Foods, Inc., B-220367.3, Apr. 7, 1986, 86-1 CPD ¶ 334. The protester admittedly did not comply with the requirement. Simply, if CooperVision believed it needed more time to prepare its comments, it should have advised our Office of its continued interest in the protest and requested an extension of its time to file its comments.

We affirm our prior dismissal.



James F. Hinchman
General Counsel